THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No. 3732 of 2005

Dt:18.10.2005

Between:

Sri Shaik Baji

.. Petitioner

and

The R.D.O., and others

.. Respondents

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 3732 of 2005

ORDER:

Heard both sides and perused the material on record.

The writ petition is filed seeking a declaration that the action of the respondents in issuing notification, dated 15.02.2005, for appointment of fair price shop dealer in respect of Vipparla village, Guntur District, as illegal and arbitrary.

The case of the petitioner is that the said vacancy in the Vipparla village arose due to the death of the existing dealer by name P.N.Poornima, who belongs to a forward caste. Thus, according to the petitioner, the said vacancy shall be reserved only

under the O.C. category. However, under the impugned notification, the vacancy has been reserved for schedule caste (women). The petitioner contends that the said action is contrary to the Rules made under G.O.Ms.No.53, dated 06.10.2003

On behalf of the respondents, a counter-affidavit has been filed, in which it is explained as hereunder:

> "In reply to this para 5 of the petitioner's affidavit, it is a fact that a notification has been issued by respondent No.1 herein in R.C.No.1780/04-B, dated 15.02.2005 for the existing F.P. shop vacancy available at Vipparla village i.e., previously maintained by P.N.Poornima calling application from eligible S.C. Women candidates on 15.02.2005, depending on the strength of the S.C. families in Vipparla village as per the roster system. There are 767 F.P. shops in Narasaraopet division unit, out of which 409 vacancies filed by O.C. category. Previously, there are 18 F.P. shops filed by O.Cs. in excess. Hence, to equalize the roster points among all the categories as per Rules made in G.O.Ms.No.53, Consumer affairs, Food and Civil Supplies (CSI) Department, dated 06.10.2003 to notify the second O.C. shop previously maintained by Smt.P.N.Poornima in Vipparla village as S.C. Women category depending on the strength of the S.C. families in Vipparla village and as well as roster maintained by this office".

Having regard to the explanation offered by the respondents in the counter-affidavit, it is clear that so far as the Narsaropet division is concerned, already 409 vacancies have been filled by the candidates of O.C. category and therefore, to equalize the roster points, the vacancy in question has been reserved for S.C. Women category. The said action cannot be said to be contrary to the Rules laid down under G.O.Ms.No.53, dated 06.10.2003. Hence, I do not find any merit in the contentions raised by the petitioner.

The writ petition is devoid of merit and the same is accordingly dismissed. There shall be no order as to costs.

18.10.2005

kdl